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### Rural Zoning and Economic Development

Cooperative Extension, South Dakota State University

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## Rural Zoning and Economic Development

A zoning ordinance is a legal tool that may be used by local people to support planned area development. When a county or part of a county enacts a zoning ordinance, the unincorporated area is divided into "Zoning Districts." In each district, the planned future uses of land or property is then described and reserved to certain uses or combinations of uses. Existing or current uses are exempt even though they may not be in conformity with the provisions of the ordinance.

Zoning districts are based upon a long-range plan for the county or area. Existing land uses and trends in land use are studied. Changes in population are noted. The resources and opportunities of each district are analyzed. All factors considered important in guiding future development are taken into account in determining district boundaries and land use recommendations.

The lands recognized as best used for residence in the future may be zoned as Residential Districts. The natural farm lands are classed as Agricultural Districts. Areas adapted to trade are zoned as Commercial Districts. Those suited for manufacturing are put into Industrial Districts, those suited for recreation into Recreational Districts, and so on for all other kinds of land uses the people decide are best for the development of the county or area.

### LIKE PLANNING A HOME

Planning the use of land, and zoning it for its appropriate use, is like planning and laying out the space in a home for the best use and convenience of its occupants. In constructing a home, a part is selected for the living room, another for the kitchen, other parts are set aside for sleeping.

A township or county is a kind of giant house shared by some hundreds or thousands of people. Some parts are best planned and used as resident districts. Others serve best for trade or industry. Some lands are wisely left in farming. Some areas are selected for parks, summer cottages, outdoor sports, and other forms of recreation.

The purpose of zoning is not to exclude any legitimate or appropriate use of land or property. The aim is perhaps best expressed by the well-known saying, "A place for everything, and everything in its place." A good zoning ordinance tends more to "zone in" than "zone out" land uses—to invite in or encourage those uses for which a zoning district seems best adapted. Some things may have to be "zoned out" in the process, but primarily only with the view of protecting the right uses from injury, and the overall purpose of creating more orderly, sound, and attractive communities for living, work, and play.

By John T. Stone, Director of Extension

## Economic Development and Rural Zoning

*Cooperative Extension Service*



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Thirty-eight states have passed zoning enabling acts empowering counties, towns, townships, and other local units of government to adopt zoning ordinances. In total, 175 different enabling laws are in force authorizing zoning in unincorporated areas. Over 100 of these acts apply to counties, 50 to townships, and 23 to miscellaneous governmental units.

### REGULATIONS MUST BE REASONABLE

Once the zoning districts have been determined, an ordinance is prepared to encourage and support the uses for which each district seems best adapted. In turn, any new or future uses of land not in harmony with these uses may be limited or excluded from the district. Appropriate regulations or standards are then adopted governing future uses of land and any changing developments that may take place.

One example of such standards is the lot requirements which are usually set for Residential Districts. Most people prefer to live under uncrowded conditions. They want sufficient space for their home—enough land for safe separation of water and sewage disposal systems, a reasonable distance between homes to reduce the risk of spreading fires and to provide good light and air conditions, an adequate setback from streets and highways. Ordinances therefore provide that no lot may be less in area or width than a specified minimum.

Good spacing standards are important in zoning. They build quality into a community. The investment of the house owner is protected from depreciation of ten caused by excessive crowding.

Whatever standards or regulations are adopted must be reasonable, not arbitrary, as compliance is too difficult to enforce.

All farm buildings (barns, silos, etc.) and structures (fences, etc.) are usually exempt from the requirements of zoning ordinances. The chief require-

ment, if any, is that such buildings be set back far enough from highways so as not to create a traffic hazard.

#### COMMUNITY OBJECTIVES IN CONSIDERING ZONING

In South Dakota the primary objectives of enacting a rural zoning ordinance, as expressed by several local interested groups, are to:

1. Encourage the optimum multi-purpose development of a new natural resource like that created by the Missouri Lakes for (a) recreation, (b) industry, (c) agriculture.
2. Stimulate community interest and planning as a basis for economic growth.
3. Encourage investment in their community because it has a plan for the future.
4. Reduce the burden of excessive land taxes required to support schools, highways, and other public services in certain areas not suited to year-round residence.
5. Protect high speed highways from excessive congestion due to certain types of roadside development.
6. Discourage misuse of some lands subject to severe damage affecting the entire community, such as wind erosion and flooding.

#### LEGAL STEPS TO FOLLOW

In South Dakota there are two types of zoning enabling legislation. One is designed for use by municipalities. The other is for counties, excluding the areas inside municipal boundaries. The following procedure applies to the rural county zoning legislation only, under the South Dakota Enabling Act of 1941.

1. To enact a county zoning ordinance the county commissioners must appoint a zoning commission of three to five members, one of whom shall be a member of the board of commissioners.
2. It is the duty of the county zoning commission to recommend the boundaries of various zoning districts such as agricultural, recreational, industrial, and residential and to develop regulations suitable to each district. It is possible to exclude certain districts as the designated agricultural areas from any use restrictions if this is the desire of the people.
3. The county zoning commission shall hold hearings on their preliminary report and then draft a proposed ordinance to be submitted to the commissioners.
4. The county commissioners are required to publish the ordinance and hold hearings not less than 15 days after notices are published.
5. Unless protests in writing are received from 15% of the electors, the commissioners may submit the ordinance to a vote at the next regular primary or general election. If a majority of those voting favor the ordinance, it then—and only then—becomes effective.

6. Provision is made in the law to modify, amend, or repeal the ordinance at any time.

While these are the legally prescribed steps in enacting a county zoning ordinance, experience shows that unless a thorough educational program is carried out to keep the people informed at each step in this process, little will be accomplished.

#### POSSIBLE CHANGES IN PRESENT LEGISLATION TO CONSIDER

To encourage the adoption of zoning, several changes in the present legislation seem desirable, based on the experience in other states. South Dakota's zoning legislation in 1941 was designed to control the use of agricultural land, which is not of primary concern at this time. Suggested changes to consider are the following:

1. Make provisions in the present law to permit individual political or survey townships as county subdivisions to be zoned where the need and interest exists, rather than require the zoning ordinance to embrace the entire county. This could be done by amendment to the present enabling legislation or by enacting a separate township zoning law.
2. Make it possible for the county commissioners, after duly following prescribed procedures, to enact a zoning ordinance. Then provide that upon petition the electorate could require the vote, approving or disapproving the ordinance within 30 days.
3. Enact companion legislation providing for the adoption of a building code by counties or townships where desired. Zoning ordinances only provide for the regulation of land use, while a building code can encourage construction of safe, healthful, and economically sound buildings.
4. Clarify the jurisdiction of county and/or county zoning authority and that of incorporated cities, particularly in the 3-mile zone surrounding the city limits.
5. Consider the conferral of authority to review county and/or township zoning ordinances before their adoption by a state agency to coordinate regulations between adjoining counties and/or townships.

Of primary importance to the acceptance of zoning ordinances by the people is local interest, thorough understanding, and a common concern. The need for zoning today seldom exists in equal intensity throughout as large an area as a county. Acceptance of county-wide zoning ordinances has been limited, while zoning ordinances for townships, highway or lakeside strips, and the like have proven more feasible.

Zoning is but one tool local people can use to give direction to the future development of their community. Its effectiveness is largely determined by their understanding, interest, and acceptance.